

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANGEL DAVID MORALES-VALLELLANES,

Plaintiff,

v.

CIVIL NO. 97-2459 (JAG) (GAG)

UNITED STATES POSTAL SERVICE,
et al.,

Defendants.

**DEFENDANTS' MOTION FOR ENLARGEMENT TO ANSWER
PLAINTIFF'S INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS AND IN OPPOSITION
TO PLAINTIFF'S MOTION TO COMPEL DISCOVERY**

TO THE HONORABLE COURT:

COME NOW, the defendants, through its undersigned attorneys, to respectfully request an enlargement until **May 12, 2004** within which to submit Defendants' Answers to Plaintiff's Interrogatories and Request for Production of Documents. Both of plaintiff's discovery requests are to be answered together and, Plaintiff's Request for Production of Documents is not due until April 30, 2004. The answers to interrogatories and the production of documents are being processed by the Postal Service Law Department in New York City. The documents are being marshaled from different locations as it has been close to seven (7) years since the filing of the Complaint. Therefore, additional time is needed to comply with plaintiff's discovery requests.

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In Opposition to Plaintiff's Motion to Compel, plaintiff's attorney has failed to comply with Local Rule 26(b) before filing his Motion to Compel Discovery. The mandatory spirit of cooperation embedded in said Local Rule has been completely disregarded by plaintiff's attorney. Therefore, it is requested that plaintiff's premature Motion to Compel be denied and/or sanctions imposed upon his attorney for having filed such an unnecessary motion. Discovery will be produced in the near future and on or before May 12, 2004. Had plaintiff's attorney complied with the mandatory requirement of Local Rule 26(b) and conferred with the undersigned prior to filing the Motion to Compel, this Court's intervention would not have been required or needed.

WHEREFORE, the defendants respectfully request from this Court that it grant defendants until May 12, 2004 within which to submit the answers to plaintiff's discovery requests. Additionally, it is petitioned that Plaintiff's Motion to Compel be denied and sanctions imposed as hereinabove set forth.

I HEREBY CERTIFY that on April 27, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to Miguel E. Miranda Gutiérrez, Esquire, PMB 132, 500 Muñoz Rivera Avenue, Local 15, Hato Rey, Puerto Rico 00918-3349.

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RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this 27th day
of April 2004.

H.S. GARCIA
United States Attorney

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